R.BASANT, J

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Cr.M.C.No. 2231 of 2007

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Dated this the 12th day of July, 2007

ORDER

The petitioners face indictment in a prosecution under Section 406 and 420 IPC. Their late father was the defacto complainant. Private complaint filed by him was referred to the Police. FIR has been registered. Cognizance has been taken on the basis of final report submitted by the Police. The case against the co-accused proceeded. The petitioners did not appear. Thereupon the case against the petitioners was split up. Consequent to non appearance, warrants of arrest have been issued against the petitioners by the learned Magistrate.

2. According to the petitioners, they are absolutely innocent. Their non-appearance was not intentional and was on account of reasons beyond their control, it is submitted. They are willing to surrender before the learned Magistrate and co-operate for the early disposal of the case. But they apprehend that their applications for bail may not be considered by the learned Magistrate on merits in accordance with law and expeditiously. In these circumstances, they pray that appropriate directions may be issued under Section 482 Cr.P.C. The petitioners have a further submission to make. According to them the defacto complainant expired and the legal heirs of the deceased are competent and willing to compound the offence. If and

when such an application is filed, the learned Magistrate may be directed to dispose of such application also on merits. I have no reason to assume that the learned Magistrate would not consider such applications on merits, in accordance with law and expeditiously. The learned Magistrate must consider the same on merits and pass appropriate orders

3. This Crl.M.C. is, in these circumstances, dismissed, but with the specific observation that if the petitioners surrender before the learned Magistrate and applies for bail or for composition after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously- preferably on the date of surrender itself.

(R.BASANT, JUDGE)

sj

R.BASANT, J

B.A.No.3988 of 2007

Dated this the 2nd day of July, 2007

ORDER

Application for regular bail. Allegations are raised under the provisions of the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 2 litres of arrack on 08.06.2007. He was arrested and continues in custody from that date. The learned Public Prosecutor submits that the petitioner is involved in two other similar crimes.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer on condition that the Investigators may be granted further reasonable time to complete the investigation and I am satisfied that the petitioner, who continues in custody from 8.06.2007, can be enlarged on bail subject to appropriate conditions. The learned Public Prosecutor prays that in a case like this, the Investigators may be granted some further time to complete the investigation.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions:-

i) The petitioner shall not be released on the strength of this order prior to 12.07.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj